

**REMARKS/ARGUMENTS**

In response to the Office Action mailed May 26, 2004, Applicant amends this application and requests reconsideration in view of the amendments and the following remarks. In this Amendment, Claims 1 and 2 are amended, Claim 3 is withdrawn from consideration and no claims have been added or cancelled, so that Claims 1-3 are pending. No new matter has been introduced.

Applicant elects Claims 1 and 2.

Claims 1 and 2 were rejected as being anticipated by European Patent 0 260 543 A1 to Goldberg et al. (Goldberg). This rejection is respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

Goldberg discloses an apparatus for drainage of a body cavity. More particularly, Goldberg discloses an intrapleural catheter apparatus. The apparatus comprises a housing body defining an inlet chamber and a discharge chamber. The apparatus also comprises a catheter which is insertable into the body cavity that is to be drained. The housing includes a number of vents, ports and valving to control the flow of fluids and air.

The present invention, as claimed, is directed to a collateral ventilation bypass trap system. The system comprises a containment vessel, at least one conduit connected to the containment vessel and to a predetermined site within the lung of a patient, and a sealing device being configured to provide a fluid tight seal between the conduit and the thoracic wall and the conduit and the lung.


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Goldberg fails to disclose the sealing means of the present invention. The sealing means asserted by the Examiner is a seal that seals one part of the apparatus to another part of the apparatus. In the present invention, the sealing means seal is configured to provide a fluid tight seal between a part of the device and a patient. Since Goldberg fails to disclose all of the claimed features, there can be no anticipation. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicant would be willing to interview the present case with the Examiner . Accordingly, the Examiner is invited to call the undersigned at 732-524-2581 if such a call would facilitate the prosecution of this application.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

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